

ORDINANCE NO. 09-13

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION", ARTICLE II. OCCUPATIONAL LICENSE TAX, AND IN PARTICULAR, REVISING HIALEAH CODE § 86-43 ENTITLED "SCHEDULE OF FEES", TO IMPLEMENT A NEW FEE SCHEDULE FOR TYPE II AMUSEMENT MACHINES OPERATED WITHIN AMUSEMENT CENTERS INCLUDING BINGO HALL AMUSEMENT CENTERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to implement a new fee schedule for Type II amusement machines operated within amusement centers including bingo hall amusement centers.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 86 entitled "Taxation", Article II. Occupational License Tax, of the Code of Ordinances of the City of Hialeah, Florida, in particular, Hialeah Code § 86-43 entitled "Schedule of fees", is hereby amended to read as follows:

Chapter 86

TAXATION

* * *

ARTICLE II. OCCUPATIONAL LICENSE TAX

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Sec. 86-43. Schedule of fees.

The amount of license fees that shall be paid by the different classifications of licenses shall be as set forth in the following schedule opposite each classification; such fees shall be computed annually unless otherwise specified. The schedule generally follows the order and numerical sequences of the Standard Industrial Code (SIC).

Regulatory requirements for specific business activities are listed in the schedule as well as the fees.

<i>Industry</i>	<i>Description and Regulation</i>	<i>Fee</i>
Major Group 79.	Amusement and Recreation Services	
	All licenses in this group	100.00
	Exceptions:	
	7993. Type I and type II amusement machines (as per article III of chapter 18):	
	7993A. Business owner operating amusement type I (arcade) machine, for each machine at each location, written notification of property owner required if business owner and property owner not the same*	150.00
	7993B. Business owner operating type II amusement machine, for each machine at each location, written notification of property owner required if business owner and property owner not the same*	600.00**
	*No transfer of license allowed. New license must be issued if machine is to be placed or transferred to a new location. County and state licenses required.	25.00***
	**This fee will be effective on October 1, 2009. A fee of \$500.00 will be effective immediately. For the license year ending September 30, 2008, a fee of \$250.00 will be paid for the annual license.	
	***If license is current and paid for the fiscal year.	
	7993C. Music machines, jukeboxes and video jukeboxes. Only one permitted. Requires sticker: Each individual machine	150.00*
	7993E. Amusement center machines—other than bingo halls Tax on each individual machine is based on whether the machine is a type I or type II amusement machine	
	<u>For first 50 machines</u>	
	Type I	150.00
	Type II- First four machines only	600.00*
	5 to 50 Type II machines	150.00
	<u>All machines in excess of 50 up to and including 75, whether Type I or Type II</u>	40.00

All machines in excess of 76, 25.00
whether Type I or Type II

7993F. Amusement center machines—bingo halls for adults only.
 Tax on each individual machine is based on whether the machine
 is a type I or type II amusement machine

For first 50 machines

Type I	150.00
Type II- <u>First four machines only</u>	600.00*
<u>5 to 50 Type II machines</u>	150.00

All machines in excess of 50 up to and including
75, whether Type I or Type II 40.00

All machines in excess of 76, 25.00
whether Type I or Type II

7993G. Kiddie rides (sticker), each 150.00*

*For the license year ending September 30, 2008, the fee for
 individual machines other than 7993B licensed machines
 shall be \$75.00 for the annual license. For 7993B licensed
 machines, this fee will be effective on October 1, 2009. A fee of
 \$500.00 will be effective immediately. For the license year ending
 September 30, 2008, a fee of \$250.00 will be paid for the annual
 license.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to
 the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or
 regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not
 to exceed \$500.00 within the discretion of the court or administrative tribunal having
 jurisdiction. Each act of violation and each day upon which any such violation shall
 occur shall constitute a separate offense. In addition to the penalty prescribed above, the
 City may pursue other remedies such as abatement of nuisance, injunctive relief,
 administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

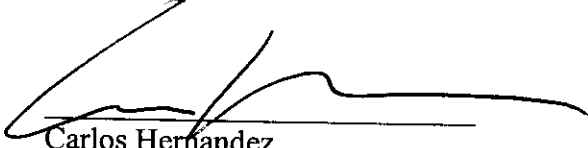
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

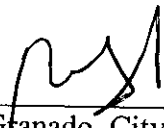
PASSED AND ADOPTED this 24th day of February, 2009.

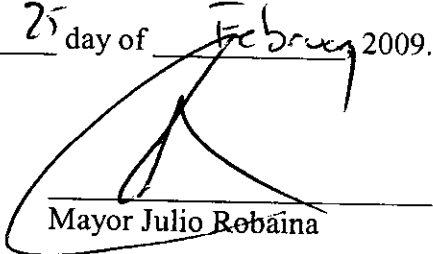
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

Attest:

Approved on this 25 day of February 2009.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strike through~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Casals-Muñoz, Cue, Gonzalez, Hernandez, Garcia-Martinez, and Yedra voting "Yes" and Councilmember Caragol absent.